UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/380,250	08/30/1999	CHRISTIAN BAILLIF	6206	2378

7590 06/10/2005	EXAMINER
Miles & Stockbridge, P.C.	VO, LILIAN

Miles & Stockbridge, P.C.
1751 Pinnacle Drive
Suite 1500
Mclean, VA 22102-3833

ART UNIT	PAPER NUMBER
2195	

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/380,250	BAILLIF ET AL.
	Examiner	Art Unit	
	Lilian Vo	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13 and 15 – 30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13 and 15 – 30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 13 and 15 – 30 are pending.

Claim Rejections - 35 USC § 103

2..   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 13 and 15 –30 are rejected under 35 U.S.C. 103(a) as being unpatentable over

applicants' admitted prior art (hereinafter AAPA) in view of Boukobza et al. (US 6,122,664,

hereinafter Boukobza).

4.   Regarding **claim 13**, AAPA teaches the process for assisting in the administration of a

distributed application of a transaction processing manager, based on a binary configuration file

said process comprising:

        retrieving information related to said distributed application in a configuration file of a

. master machine (specification page 1, lines 19 – 30),

        checking the consistency of said application running on at least one of several machines

(specification page 2, lines 1 – 9),

a listener module is required in each machine when the application is distributed and it

manages messages and receives information coming from other machines (specification page 2,

lines 15 – 20), and

the administration of listener modules consists of starting and stopping at least one

listener module (specification page 3, line 5 – page 4, line 9).

AAPA however did not teach the process is automated which performed by a computer

program and the listener module in each machine is being managing by a program from another

machine for starting and stopping a listener module and activating several listener modules.

Nevertheless, Boukobza teaches the process for monitoring a plurality of objects types such as

Tuxedo applications of a plurality of nodes from a management node in a data processing system

by distributing configured agents (abstract, col. 1, lines 33 – 35, col. 2, lines 39 – 65, col. 3, lines

40 – 49: objects are being configured and distributed. Col. 4, lines 5 – 15 and line 63 - col. 5,

line 17 and fig. 1) and the step of starting and stopping of monitoring process of running objects

on the machines that are controlled by the management node (col. 2 lines 21 – 65: each agent

comprises a plurality of specific modules specific to different object types or to a particular

domain which measures static and dynamic parameters specific to the object type it monitors.

Col. 5, lines 9 – 17, col. 6, lines 15 - 20).

It would have been obvious for one of ordinary skill in the art, at the time the invention

was made to combine the teaching of applicants' admitted prior art to Boukobza to efficiently

monitor the operation of one or more distributed applications in a plurality nodes with a program

for a global visibility from the management node (col. 2, lines 13 – 20, col. 3, lines 40 – 47, col.

6, lines 36 - 52), thus for ease up the administering process.

5.   Regarding **claim 15**, applicants' admitted prior art teaches the step for extracting directly

from an active configuration file of the master machine information related to the distributed

application (specification page 1, lines 19 – 30 and fig. 8).

6.   Regarding **claim 16**, applicants' admitted prior art further teaches the step for checking

the consistency of said application consists of comparing the information obtained from the

configuration file of the master machine and the information obtained from said current

application running on a given machine (specification page 2, lines 1 – 9).

7.   Regarding **claim 17**, applicants' admitted prior art teaches the administration of listener

modules consists of starting and stopping at least one listener module, displaying information

related to at least one listener module, changing the log of at least one listener module, checking

the script of at least one listener module and/or updating the script of at least one listener module

(specification page 3, line 5 – page 4, line 9).

8.   Regarding **claim 18**, applicants' admitted prior art did not teach the step for starting and

stopping a listener module running on a first machine is being carried out by an administrator

using a second machine distinct from first machine, but belonging to the same network as the

first machine. Nevertheless, Boukobza shows the step of starting and stopping of monitoring

process of the objects on the machines that are controlled by the management node (col. 2, lines

21 – 65, col. 5, lines 9 – 17, col. 6, lines 15 - 20).

It would have been obvious for one of ordinary skill in the art, at the time the invention

was made to combine the teachings of applicants' admitted prior art with Boukobza to enable an

administrator performs the start and the stop monitoring process of the objects on each machine

from the management node (machine) so that software distributing can be administered more

efficiently.

9.   Regarding **claim 19**, applicants' admitted prior art did not teach a step for simultaneously

activating several listener modules. Nevertheless, Boukobza shows the step of starting and

stopping of monitoring process of the objects on the machines that are controlled by the

management node (col. 2, lines 21 – 65, col. 5, lines 9 – 17, col. 6. lines 15 - 20).

It would have been obvious for one of ordinary skill in the art, at the time the invention

was made to combine the teachings of applicants' admitted prior art with Boukobza to start the

monitoring process of the objects on each machine more efficiently with a program running from

the management node.

10.   Regarding **claim 20**, applicants' admitted prior art further teaches a step for decompiling

the active configuration file of the master machine (specification page 1, line 19 – page 2, line 9).

11.   Regarding **claim 21**, applicants' admitted prior art did not teach the additional limitations

as claimed. Nevertheless, Boukobza teaches a graphical interface comprising at least one icon

and at least one menu, a dialog box for implementing the start and stop of a listener module and

the retrieval of information and checking the consistency of the application running on a given

machine (abstract, col. 2, lines 21 – 38, col. 3, line 60 - col. 4, line 4, line 34 – col. 5, line 17, col. 12, lines 12 - 17).

It would have been obvious for one of ordinary skill in the art, at the time the invention was made to combine the teachings of applicants' admitted prior art with Boukobza so that management and communication between distributed nodes can be more efficient.

12.   Regarding **claim 22**, applicants' admitted prior art did not teach the additional limitations as claimed. Nevertheless, Boukobza teaches the menu of the graphical interface are structured in tree form (col. 35, lines 2 – 23), and the activation of a menu results in a display of a list of values of the current configuration, selectable by the user (col. 3, line 60 – col. 4, line 4, line 35 – col. 5, line 17, col. 7, lines 38 - 49).

It would have been obvious for one of ordinary skill in the art, at the time the invention was made to combine applicants' admitted prior art with Boukobza so that management and communication between distributed nodes can be more efficient.

13.   Regarding **claim 23**, applicants' admitted prior art teaches a file containing information about the application running on a given machine in order to be able to use it during the next startup of the listener modules (specification page 3, line 18 – page 4, line 9), except the step for automatically generating the information file of the application when the file does not exist in a given machine. Nevertheless, Boukobza teaches the step for automatically generating a log file if there is not one already (col. 26, lines 6 – 25, col. 5, lines 2 - 9).).

It would have been obvious for one of ordinary skill in the art, at the time the invention

was made, to combine the teachings of applicants' admitted prior art to Boukobza to better assist

the administration process with having the history of the application running retains in the

generated logfile.

14.   Regarding **claims 24 - 30**, applicants' admitted prior art did not teach the additional

limitations as claimed. Nevertheless, Boukobza teaches the information related to at least one

listener module is displayed and comprises at least the name of the application (abstract, col. 2,

lines 55 – 65, col. 3, line 60 – col. 4, line 4, lines 36 – 63, col. 16, lines 45 - 48), the logical name

of the machine on which the application is run (col. 2, lines 55 – 65, col. 7, lines 38 – 58, col. 16,

line 66 – col. 17, line3), the identification of the user (col. 8, lines 33 – 37), the address used by

the listener module (col. 3, lines 30 – 39, col. 4, line 63 – col. 5, line - 17), the access path to the

network (col. 34, lines 43 – 51), and the access path to the log file of the listener module (col.

26, lines 8 – 25).

It would have been obvious for one of ordinary skill in the art, at the time the invention

was made to combine the teachings of applicants' admitted prior art with Boukobza so that

management and communication between distributed nodes can be more efficient.

Response to Arguments

15.   Applicant's arguments filed 3/16/05 have been fully considered but they are not

persuasive for the reasons set forth below.

16.   Applicant's arguments (page 7, 4th paragraph) fail to comply with 37 CFR 1.111(b)

because they amount to a general allegation that the claims define a patentable invention without

specifically pointing out how the language of the claims patentably distinguishes them from the

references.

17.   The examiner would like to point out that Boukobza discloses that agents and managed

objects are being distributed (col. 1, lines 33 – 35, col. 2, lines 21 – 65) and that agents are being

installed in each node to be monitored the running objects. Each agent comprising a plurality of

specific module specific to the different object types or a particular domain, in which each

specific domain measure static and dynamic parameters specific to the object type it monitors.

Each autonomous agents makes it possible to ensure the proper running of the monitored

applications in all nodes by means of an autonomous and efficient process to rapidly feed back

the useful information from the nodes to the management node, and to automatically initiate

actions on certain conditions or possible to recommend an action. In other words, each of the

distributed objects has a specific module to monitor the events. So if there are two objects, there

will be two specific modules associates with each of them. Hence, specific module here is

similar and/or equivalent to the listener module of claimed invention, thus read on claim 13.

Conclusion

18.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

19.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Lilian Vo whose telephone number is 571-272-3774. The

examiner can normally be reached on Monday - Thursday, 7:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be

directed to the TC 2100 Group receptionist at 571-272-2100.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

                                        Lilian Vo
                                        Examiner
                                        Art Unit 2127

lv
June 1, 2005

                                        MENG-AL Y. AN
                                        SUPERVISORY PATENT EXAMINER
                                        TECHNOLOGY CENTER 2100